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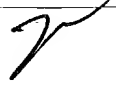
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,281	10/03/2001	Christopher A. Atwood	16159/027001 P6420	9102
32615	7590	08/04/2004	EXAMINER	
OSHA & MAY L.L.P./SUN 1221 MCKINNEY, SUITE 2800 HOUSTON, TX 77010			VO, TED T	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

7

Office Action Summary	Application No. 09/970,281	Applicant(s) ATWOOD ET AL. 	
	Examiner Ted T. Vo	Art Unit 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on 10/03/2001.

Claims 1-30 are pending in the application.

Claim Objections

2. Claims 27-29 are objected to because Claims 27 and 28 are duplicated from Claim 29. Claims 27 and 28 are separately from independent Claim 29 in a different set of claims. However, all limitations of Claims 27 and 28 are duplicated from Claim 29. This type of claiming is object to. See MPEP 706.03(k): Duplicate Claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

4. The claims 27-29 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

As per Claims 27-28:

-Claim 27, which recites in the claimed preamble, a method for computing a priority number of a bug, merely describes a mathematical algorithm.

For example, Claim 27 recites:

determining the bug severity; (A factor involving in abstract mathematic algorithm)*
determining the bug escalation value; (A factor involving in abstract mathematic algorithm)*
evaluating ease of reproducing a failure caused by the bug; (Perform calculation)*

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determining an amount of revenue contributed by a reporting vendor to a business entity; (A factor involving in abstract mathematic algorithm)*
calculating a list of weights based on the strength of strategic technology; (Perform calculation)*
evaluating bug impact on adopting of strategic technology; (Perform calculation)*
determining if a contractual arrangement exists between the business entity and the reporting vendor; and (A factor involving in abstract mathematic algorithm)*
determining impact on downstream vendors. (A factor involving in abstract mathematic algorithm)*

“*”: Noted by Examiner

The process of claim is simply an abstract idea manipulated within a mathematic algorithm and is not being applied to an appropriate subject matter that extends the process to a practical manner. The claim thus is an algorithm without toward a practical application and tangible hardware, and does nothing more than solve mathematical problems and manipulate abstract ideas or concepts.

According to analysis: Claim 27 is a process of solving a mathematic algorithm without limitations that cause the process to be tangibly embodied. The claim is a mathematic algorithm per se. Such claim fails to be in the technological or useful arts and thus fails to recite patent eligible subject matters.

-Claim 28 fails to remedy the deficiencies of independent Claim 27.

As per Claim 29:

Claim 29 has the duplicated limitations from Claim 28. Thus, the claim fails to be in the technological or useful arts and thus fails to recite patent eligible subject matters as addressed in Claims 27-28 above.

5. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of application amending these claims to place them within the four statutory categories of invention.

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claim 1-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Wilson et al., "The whiteboard: Tracking usability issues: to bug or not to bug?" 6-2001.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Wilson discusses tracking bugs. The discussion discloses limitation,

"A method of rating a bug, comprising: reporting the bug to a business entity by an interested party;

entering information regarding the bug into a database (See page 17, left column, "Chauncey's Rejoinder",

first paragraph, tracking usability bugs in a corporate bug data base; page 19, left column, the second

*indentation *, "add the bug to the database");*

assigning a priority number for the bug (See page 18, table in left column, "Severity Rating");

calculating a sigma number for the bug using the priority number (Sigma number is interpreted in light of

the specification: the discussions: page 17, Chauncey's Rejoinder: "create a usability severity scale that

parallels the severity scale of other bugs", right column, the second and fourth "" indentions, page 18; left*

column, the third, fourth, and seventh "" indentions, have means for calculation);*

evaluating the bug to be fixed using the sigma number (See page 18, See "How Do You Determine the

Severity of Usability Bugs?"); and

escalating the bug" (See page 19, left column, first "" indentation, "Create bug reports for all details",*

second "" indentation, "added to the bug report", "write summaries and severity ratings in the report";*

see "How Do You Determine the Severity of Usability Bugs?").

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As per Claim 2: Wilson discloses, "*The method of claim 1, further comprising: fixing the bug; relaying information concerning a fixed bug to the interested party; and obtaining feedback regarding the fixed bug from the interested party*" (See page 18, left column, eighth "*" indentation, "bug report...").

As per Claim 3: Wilson discloses, "*The method of claim 1, further comprising: assigning the priority number automatically*" (See Table in page 18).

As per Claim 4: Wilson discloses, "*The method of claim 1, further comprising: calculating the sigma number automatically*" (The discussions: page 17, Chauncey's Rejoinder: "create a usability severity scale that parallels the severity scale of other bugs", right column, the second and fourth "*" indentions, page 18; left column, the third, fourth, and seventh "*" indentions, have means for calculation).

As per Claim 5: Wilson discloses, "*The method of claim 1, further comprising: performing queries on the database to gather information on the bug*" (See page 17, left column, "Chauncey's Rejoinder", first paragraph, "tracking usability bugs in a corporate bug data base...").

As per Claim 6: Wilson discloses, "*The method of claim 1, further comprising: reporting progress and results of the bug evaluation*" (See page 17, right column, fourth "*" indentation).

As per Claim 7: Wilson discloses, "*The method of claim 6, wherein the reporting is displayed using a graphical user interface*" (See page 17, right column, fourth "*" indentation).

As per Claim 8: Wilson discloses, "*The method of claim 1, further comprising: initiating alerts at certain threshold sigma numbers*" (Referring to "severity rating scale". For example "1-Sever" in the table of page 18 has means of a threshold sigma number).

As per Claim 9: Wilson discloses, "*The method of claim 1, wherein the information regarding the bug is entered using a graphical user interface*" because the bug tracking done with computer subject mater. For example, seen in the terms "create graphs", "database", "log", etc.).

As per Claim 10: Wilson discloses, "*The method of claim 1, wherein evaluating the bug relies upon a cost-benefit analysis*" (See page 15, "communicate usability problems through reports...", see page 18, see "How Do You Determine the Severity of Usability Bugs?").

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As per Claim 11: Wilson discloses, "*The method of claim 1, wherein the sigma number dynamically reflects the impact of the bug on the business entity over time*" in the term: severity scale, and particularly, insisted in all '*' indentions in pages 16-19.

As per Claim 12: Wilson discloses, "*The method of claim 1, wherein the information entered into the database comprises data associated with the bug, data associated with a reporting vendor, and data related to a software application with the bug*" (See page 17, left column, "Chauncey's Rejoinder", first paragraph, tracking usability bugs in a corporate bug data base; page 19, left column, the second indentation *, "add the bug to the database", where "*reporting vendor, and data related to a software application*" is inherent in "bugs").

As per Claim 13: Wilson discloses, "*The method of claim 1, wherein escalating the bug comprises ranking the bug and setting an order of significance*" (The table in page 18 remains has means of "ranking the bug and setting an order of significance").

As per Claim 14: Wilson discloses, "*A method of rating a bug, comprising:*

reporting the bug to a business entity by an interested party; entering information regarding the bug into a database (See page 17, left column, "Chauncey's Rejoinder", first paragraph, tracking usability bugs in a corporate bug data base; page 19, left column, the second indentation *, "add the bug to the database");

assigning a priority number for the bug (See page 18, table in left column, "Severity Rating");

calculating a sigma number for the bug using the priority number (Sigma number is interpreted in light of the specification: the discussions: page 17, Chauncey's Rejoinder: "create a usability severity scale that parallels the severity scale of other bugs", right column, the second and fourth '*' indentions, page 18; left column, the third, fourth, and seventh '*' indentions, have means for calculation);

evaluating the bug to be fixed using the sigma number; escalating the bug; (See page 18, See "How Do You Determine the Severity of Usability Bugs?", see page 19, left column, first "*" indentation, "Create bug reports for all details", second "*" indentation, "added to the bug report", "write summaries and severity ratings in the report").

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fixing the bug; relaying information concerning a fixed bug to the interested party; obtaining feedback regarding the fixed bug from the interested party (See page 18, left column, eighth '*' indentation, "bug report...");

assigning the priority number automatically (See Table in page 18);

calculating the sigma number automatically (The discussions: page 17, Chauncey's Rejoinder: "create a usability severity scale that parallels the severity scale of other bugs", right column, the second and fourth '*' indentions, page 18; left column, the third, fourth, and seventh '*' indentions, have means for calculation);

performing queries on the database to gather information on the bug (See page 17, left column, "Chauncey's Rejoinder", first paragraph, "tracking usability bugs in a corporate bug data base...");

reporting progress and results of the bug evaluation; and initiating alerts at certain threshold sigma numbers (See page 17, right column, fourth '*' indentation).

As per Claim 15: Wilson discloses,

"A bug council rating apparatus, comprising:

a database to store the information entered using a graphical user interface;

a priority number module configured to generate a priority number; and a sigma number module configured to generate a sigma number." (See rationale in Claim 1 above).

As per Claim 16: Wilson discloses, *"The apparatus of claim 15, further comprising: a monitoring module to monitor the value of the sigma number for a bug and initiating alerts at certain threshold sigma numbers; and a reporting module to produce reports and track the progress of the bug"* (See rationale in Claim 8 and Claim 6 above).

As per Claim 17: Wilson discloses, *"The apparatus of claim 15, wherein evaluating the bug relies upon a cost-benefit analysis."* (See rationale in Claim 10 above).

As per Claim 18: Wilson discloses, *"The apparatus of claim 15, wherein the priority number is based on information stored in the database"* (See rationale in Claim 5 above).

As per Claim 19: Wilson discloses, *"The apparatus of claim 15, wherein the sigma number is based on the priority number over a period of time."* (See rationale in Claim 11 above).

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As per Claim 20: Wilson discloses, *"The apparatus of claim 15, wherein the information entered into the database comprises data associated with the bug, data associated with a reporting vendor, and data related to a software application with the bug."* (See rationale in Claim 12 above).

As per Claim 21: Wilson discloses, *"A bug council rating apparatus, comprising:*

a database to store the information entered using a graphical user interface (See page 17, left column,

*"Chauncey's Rejoinder", first paragraph, tracking usability bugs in a corporate bug data base; page 19, left column, the second indentation *, "add the bug to the database");*

a priority number module generating a priority number based on information stored in the database (See page 18, table in left column, "Severity Rating");

a sigma number module generating a sigma number based on the priority number over a period of time

(Sigma number is interpreted in light of the specification: the discussions: page 17, Chauncey's Rejoinder:

"create a usability severity scale that parallels the severity scale of other bugs", right column, the second

and fourth '' indentions, page 18; left column, the third, fourth, and seventh '*' indentions, have means for calculation);*

a monitoring module to monitor the value of the sigma number for a bug and initiating alerts at certain

threshold sigma numbers (severity rating scale, for example "1-Sever" in the table of page 18 has means of a threshold sigma number); *and*

a reporting module to produce reports and track the progress of the bug (See page 17, right column, fourth '*' indentation).

As per Claim 22: Claim 22 is claiming a system that has the limitation corresponding to functionality performed by the method of Claim 1. Claim 22 is rejected in the same reason set forth in connecting to the rejection of Claim 1.

As per Claim 23: Claim 23 is claiming a system that has the limitation corresponding to functionality performed by the method of Claim 10. Claim 23 is rejected in the same reason set forth in connecting to the rejection of Claim 10.

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As per Claim 24: Claim 24 is claiming a system that has the limitation corresponding to functionality performed by the method of Claim 11. Claim 24 is rejected in the same reason set forth in connecting to the rejection of Claim 11.

As per Claim 25: Claim 25 is claiming a system that has the limitation corresponding to functionality performed by the method of Claim 12. Claim 25 is rejected in the same reason set forth in connecting to the rejection of Claim 12.

As per Claim 26: Claim 26 is claiming a system that has the limitation corresponding to functionality performed by the method of Claim 13. Claim 26 is rejected in the same reason set forth in connecting to the rejection of Claim 13.

As Per Claim 27: Wilson discloses,

A method for computing a priority number of a bug, comprising:

determining the bug severity (See page 18, referring to the table in left column, "Severity Rating");

determining the bug escalation value (See page 19, left column, first "" indentation, "Create bug reports for all details", second "*" indentation, "added to the bug report", "write summaries and severity ratings in the report"; see page 18, "How Do You Determine the Severity of Usability Bugs?");*

evaluating ease of reproducing a failure caused by the bug (See page 18, the Description in table);

determining an amount of revenue contributed by a reporting vendor to a business entity (See pages 18-19, Cross-reference Usability Reports with Bugs, indentation "" Link to reports).*

calculating a list of weights based on the strength of strategic technology (Page 17, right column, all four "" indentations);*

evaluating bug impact on adopting of strategic technology (Page 18, right column, "How Do You Determine the Severity of Usability Bugs?", evaluators rate usability problems...);

*determining if a contractual arrangement exists between the business entity and the reporting vendor; and determining impact on downstream vendors (Page 17, left column, "Chauncey's Rejoinder", first paragraph, tracking usability bugs in a corporate bug data base; page 19, left column, the second indentation *, "add the bug to the database").*

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As Per Claim 28: Wilson discloses, "*The method of claim 27, further comprising:*

ranking the bug using the priority number; and displaying the bugs with the highest priority using a graphical user interface." (See table in page 18, right column, and "How Do You Determine the Severity of Usability Bugs?", see page 17, right column, fourth "*" indentation).

As Per Claim 29: Claim 29 has the limitations of Claim 27 and Claim 28 in combined. See rationale in Claims 27-28.

As per Claim 30: Claim 30 is claiming an apparatus that has the limitation corresponding to functionality performed by the method of Claim 1. Claim 30 is rejected in the same reason set forth in connecting to the rejection of Claim 1.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ma et al., US 5,920,727, discloses including a server that has a bug-tracker component to access a database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552.

The fax phone numbers: (703) 872-9306 (for formal communication intended for entry);

(703) 746-5429 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TED T. VO
Patent Examiner
Art Unit: 2122
July 19, 2004